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PASS TO STATE/OES/ETC ANA CHRISTINA VILLEGAS.

E.O. 12958: N/A

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SUBJECT: YEMEN REPORT - ACCESS TO GENETIC RESOURCES AND
BENEFIT SHARING

REF: SECSTATE 269625

1. Per request in reftel and in preparation for the February 2004 Seventh Conference of the Parties of the Convention on Biological Diversity (CBD), EconCommoFF interviewed the CBD point of contact for Yemen, Mahmoud M. Shidiwah, Chairman of the Environmental Protection Authority (EPA), and Dr. Mohamed Al-Nassiri, Director General of the Agricultural Research and Extension Authority (AREA). A least developed country, Yemen is in the embryonic stages of Access and Benefit Sharing (ABS) legislation and regulation. This report will address four parts of the study of ABS, Mutually Agreed Terms (MAT), and Prior Informed Consent (PIC).

Part 1: LEGISLATION AND REGULATION OF BIOLOGICAL RESOURCES

2. Two ROYG interagency committees are responsible for dealing with the issue of biological and genetic resources: the Genetic Resources Committee, comprised of government officials from the Ministry of Agriculture, the Environmental Protection Agency, the Agricultural Research and Extension Authority (AREA), and the Scientific Committee, comprised of university researchers, representatives of university-associated research centers, and some government officials. Both Committees have yet to fully address the issue of ABS at the national level. Government officials such as EPA Chair Mahmoud Shidiwah and AREA Director General Dr. Mohamed Al-Nassiri seek U.S. technical assistance to address the legislative and regulatory needs surrounding ABS issues in Yemen. State and local level government agencies are not responsible for the issuing of research and collection permits.

3. There are no current laws or procedures regulating biological and genetic resources in Yemen, with the exception of EPA bylaws regulation the biological resources of Socotra, a large inhabited island in the Red Sea off Yemen's coast. A 1995 Environmental Protection Law is the only national legislation under which genetic resources and their regulation might fall, but the issues are not specifically mentioned in the law. The interagency committees are looking into extending the existing regulatory bylaws for Socotra to the rest of the Red Sea, as well as mainland Yemen, but no current laws or procedures regulating the biological and genetic resources of the rest of the country.

4. Researchers interested in working with Socotra's resources must submit a research proposal to the EPA. The proposal must specify the research plan, aim, expected results, methodology, and equipment to be used. With the proposal, the researcher must provide a letter of recommendation for their proposal from their governing research authority, e.g. affiliated university, research center, or company. The Environmental Council, a group of EPA and other government officials, deliberate on the proposal for a maximum of two weeks before giving their approval or refusal. If the Environmental Council approves the research study, then the researchers must sign an agreement with the EPA to comply with the terms outlined in the environmental code.

Part 2: MOVEMENT OF BIOLOGICAL SPECIMENS

5. Researchers operating in Socotra must register all biological specimens they intend to remove from the Island. Specimens may not be used for commercial purposes. Conditions regarding non-CITES export appear fairly simple. Only dead specimens of fauna, including insects, can be exported. For flora, the reproductive capability of the plant must be removed. The EPA submits a letter to airport and customs authorities to accompany the specimens out of the country. For non-CITES import conditions, no foreign species can be brought to Socotra Island except for circus animals. A health certificate must accompany all imported species.

Part 3: NEGOTIATING MAT ACCESS AND USE OF GENETIC RESOURCES

6. Researches working in Socotra must list the species and

number of specimens they intend to remove from Socotra. Then the EPA branch in Socotra must approve the list.

17. The government divides the regulation of research of biogenetic resources between two agencies: the Ministry of Agriculture governs agricultural research and the EPA governs all other biological research. No clear regulations regarding commercial research and development exist. (Comment: In reality there is little or no regulation of the activities of foreign researchers in Yemen. The ROYG has neither the resources nor expertise to supervise or regulate foreign researchers. End comment.)

Part 4: STATUS OF MAT AND PIC IN YEMEN

18. ROYG officials are not well informed on ABS, MAT and PIC issues. EPA Chair Shidiwah could not easily identify the national authority responsible for negotiating specific contracts to provide access to genetic resources, either for research or for commercial purposes. It does not appear that EPA or AREA has dealt with any such cases to date. According to Shidiwah, he and other government officials are still uncertain how to approach this issue, and there are no provisions in place to receive financial benefits from ABS contracts or to establish conservation trust funds. The ROYG makes available copies of bylaws and a simple contract between the EPA and researchers. Those seeking general information on research, collection, import and export permits should contact the EPA offices directly:

Environment Protection Authority
P.O. Box 19719
Sanaa, Republic of Yemen
Tel: 967-1-207-816
Fax: 967-1-207-327
Email: epa-yemen@yemen.net.ye

19. As instructed in Ref A, Post will forward the bylaws and draft contract to OES/ETC Villegas via e-mail.
KHOURY